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STATE FOR IO/RHS, DRL/MLA, L/HRR

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SUBJECT: DRL DAS BARKS-RUGGLES' GENEVA HUMAN RIGHTS
BILATERALS

Classified By: Political Counselor Velia M. De Pirro. For reasons E.O.
12958, 1.4 (b)(d)

¶1. (U) DRL DAS Erica Barks-Ruggles held a series of bilateral meetings in Geneva August 31 and September 1 with select missions to discuss the upcoming Human Rights Council (HRC) session. The meetings are summarized below.

United Kingdom

¶2. (C) DAS Barks-Ruggles discussed with Ambassador Nick Thorne the growing skepticism of the USG about the ability of the HRC to change the track record of the Commission on Human Rights. The intense focus on Israel and the Middle East thus far, to the exclusion of all other human rights situations globally, threatened to undermine the HRC's credibility. The upcoming HRC session and the November session would be critical from the U.S. perspective, in terms of seeing if the Council could take action to address serious human rights situations on the ground in, for example, North Korea, Burma Sudan/Darfur. Thorne agreed that the Council was flawed, and suggested fixing a deadline by which it would be assumed that if the HRC could not be turned around, London and Washington should move into "damage limitation mode." Thorne said that the Europeans were not operating as effectively as they could, and mildly criticized the effectiveness of the Finnish team in Geneva. Thorne noted that HRC President de Alba was ambitious and wanted the HRC to succeed, but was worried that GRULAC was splitting on Middle East issues.

¶3. (C) Thorne cautioned that the "condemnatory resolutions" sought by the USG simply would not happen. The term, Thorne commented, was "a red flag to a bull." When asked he suggested calling such resolutions &Expressions of Concern8 or &Condemnation of Lack of Cooperation by xxxx member state.8 DAS Barks-Ruggles noted that whatever they are called, condemnatory resolutions remain an essential tool the UNHRC must be able to use. She raised DPRK and Burma, noting that at least a condemnatory resolution must be passed on the DPRK or it would be clear that the HRC could accomplish nothing. Thorne agreed, but noted that Burma was in ASEAN and since it was being addressed in the Security Council, there might be limits on what the HRC could accomplish.

¶3. (C) Thorne raised Sri Lanka (as had the Finns in previous consultations with the EU in Helsinki), and Barks-Ruggles noted that strategies for addressing the situation in the HRC would have to have support from the Norwegians, who would soon be the sole Scandinavian forces there. Thorne said the Dutch wanted to see a special session on Sri Lanka, but the British had rejected the idea. Thorne planned to speak to the Indian government to seek its views on a Sri Lanka resolution.

Barks-Ruggles commented that she had no instructions, but the USG would likely follow the European lead on Sri Lanka. In Thorne's view, both Sri Lanka and Darfur had to be addressed in the Council; he would like to raise both to the Africa group and get their agreement to a Darfur resolution. Thorne added that High Commissioner for Human Rights Louise Arbour had raised Darfur with both HRC President de Alba and with him; Thorne had agreed that Darfur should be raised, but also rejected the idea of a Darfur condemnatory resolution. Thorne planned to raise Darfur with some of the non-Arab African countries, and had already broached the issue with Jordan and Bahrain, both of whom were willing to address the issue but highlighted inevitable OIC opposition. The UK would seek a Chairman's statement as the outcome of a Darfur session, and possibly an increased human rights component to whatever product the UNSC Sudan session produced.

¶5. (C) In suggesting alternative mechanisms to condemnatory resolutions, Thorne also noted that the Universal Periodic Review (UPR) process might achieve some of the progress on country situations sought by the USG. Without a strong UPR mechanism, the HRC would be weaker than the CHR had been.

¶6. (C) Thorne told Barks-Ruggles that, although the decision had yet to be formalized, London had decided that the UK would run again for a second term on the HRC in 2008. The UK would like to see the U.S. run next year for two reasons: the first is that a second decision by the U.S. not to run would be seen as a confirmation of a &vote of no confidence8 in the HRC. Second, the UK did not want to run against the U.S. in 2008 should the USG hold off one more year.

Saudi Arabia

¶6. (C) Saudi Ambassador Abdulwahab Attar and DAS Barks-Ruggles agreed on the importance of a universal system of peer review with a consistent periodicity for all UN members. Barks-Ruggles outlined the USG proposal for a five-year periodicity, considering approximately 40 countries a year, with intersessional meetings, and the preparation work done by a subset of the Council, with perhaps two representatives per region. The goal would be a non-condemnatory dialogue. Attar appreciated that UPR was intended to improve the situation on the ground, and noted that it was critical that the process be constructive, not condemnatory. Barks-Ruggles pressed for Saudi diplomacy on ensuring the Council focuses on serious human rights issues outside of the Middle East. Attar assured her that Saudi Arabia understands the problem with a singular focus and has been a &moderating voice8 within the discussions on these efforts. He demurred when pressed to play a stronger role in this regard.

Nigeria

¶7. (C) Nigerian Ambassador Joseph Ayalogu minimized USG concerns about the negative trends that have been established by the first HRC session and the two Israel-focused Special Sessions, noting that the process was new and the situation in the region had been bad timing for the Council. Ayalogu supported the USG idea for UPR, but was unsure what the African Group view would be. He agreed, however, that UPR should not be an accusatory process. On mandate review, Ayalogu noted that mandates that seemed unimportant or misplaced to developed countries, like that on toxic waste, were actually important to countries like Nigeria. Nigeria had no problem with the idea of trimming mandates, so long as it was done in a broadly cooperative manner. He was surprised to hear that the Sub-Commission cost as much as it had and promised to pass to capital our concerns about that body, noting that Nigeria could probably support a group of &virtual8 experts available to be called upon by the Council without them actually being in Geneva. On possible action by the Council to address serious human rights abuses,

Ayalogu noted that the African group would want assistance for those places) like Liberia and DROC) that merited it.

He implied that positive action would help prove to the African Group the Council's engagement on issues of concern to them, and possibly lead to greater cooperation. He noted that any action on Burma or Sudan/Darfur would need to be coordinated with action in the UNSC. He stated his &personal belief8 that action on the DPRK was beyond the HRC. (Note: Ayalogu also hinted that Nigeria's main concern is that it not be a target of negative attention by the HRC itself. End Note)

Ghana

18. (C) Charge Paul King Aryene, a close contact of Mission Geneva, said that Ghana could support any measure intended to correct human rights violations anywhere in the world. Some level of politicization in the HRC was inevitable, but efforts should be made to minimize it to the extent possible.

Barks-Ruggles noted that the USG wanted to see the HRC succeed, but was concerned that if the HRC remained seized by Israel only, Washington would want little to do with the body. Aryene noted that there was great concern about "shaming" in the developing world. Much of the Third World, Aryene said, believed that developed countries used human rights as a way to undermine the sovereignty and territorial integrity of developing countries. Resolutions stressing technical cooperation and assistance were likelier to succeed than condemnatory ones. In response to Barks-Ruggles' question as to whether an African resolution might be welcomed for certain countries, Aryene said yes, that any country coming out of civil war would need technical assistance and capacity building.

19. (C) Aryene noted that the fact that the OIC had allowed no consultations on its draft Lebanon resolution during the special session augured badly. He recommended that the USG ask its European partners to talk to the OIC about being more cooperative. On UPR, Aryene noted that Ghana opposed the proposal for different levels of periodicity for different countries, and noted that there was greater consensus on UPR than on any other HRC issue. Civil society must be allowed some input into the UPR process, and perhaps could be allowed to speak during the UPR sessions. Aryene supported the participation of civil society in providing input on countries to the review board, but thought NGO involvement in

the actual review would be problematic. He also agreed on the need to preserve country-specific mandates in the review process.

Finland

110. (C) Charge Satu Mattila and PolCouns Katri Silfverberg were pleased to hear of Barks-Ruggles' just finished trip to Helsinki (septel) and upcoming trip to Cairo and Riyadh. Reaching out to the important OIC players would be critical to getting more cooperation in the HRC. Mattila thought a special session on Sri Lanka was a possibility. (Note: She had clearly not gotten the message that the British were unclear about support for such a session. End note.) They noted that while the EU COHOM meeting would be held shortly in Brussels, it was unlikely that the EU would agree to run any condemnatory resolutions in the September session of the HRC. Finland forwarded the idea of pushing Council Statements rather than resolutions, as a more cooperative and less confrontational HRC product.

111. (C) Barks-Ruggles noted that the DPRK situation must be addressed, but that Japan might not want to support it in September as that would coincide with the upcoming change of government in Japan. Burma and Sudan/Darfur were other issues that might be raised in the Council, but timing would be important, as the UNSC just addressed Darfur August 31 and the USG would want to seek African Group support for a Darfur resolution. Mattila noted that the HRC fact-finding

mission to Lebanon was just named August 31, but that it remained unfunded. Barks-Ruggles emphasized that those countries that supported its creation should be responsible for funding it. Barks-Ruggles also noted that, in general, Brazil was playing an unhelpful role, and suggested that the EU speak to Brazil to try to seek its cooperation. Finally, Barks-Ruggles noted that the USG would have to make a decision on whether to run for Council membership by the end of this year. It would be important for the USG not to lose the mandates of the country rapporteurs, especially the SR on Cuba. If the Cuba mandate were eliminated, it would have a very negative impact on USG views on the Council.

JUSCANZ

¶12. (C) DCM hosted a dinner with JUSCANZ colleagues to allow Barks-Ruggles an opportunity to seek their views on the Council. All agreed that the direction the Human Rights Council was headed in was unhelpful, and Barks-Ruggles made clear that if the Council continued to focus on Israel to the exclusion of all other human rights issues, the USG would take a dim view of its future. JUSCANZ members also discussed whether the upcoming HRC session would be the appropriate venue for action on Darfur, the DPRK, or Burma. They also raised the possibility of action on Sri Lanka and/or Nepal. The Australians were clearly the most energetic and committed of the group. Unhelpful comments by the Canadian representative were, we believe, not representative of his government's position. Japanese representatives reiterated concerns about the effect of the change in Japan's government "expected in the middle of the UNHRC session" would have on their ability to push for action on specific countries or issues. The Swiss clearly brought a different view to the table, but understand our concerns.

Comment:

¶13. (C) It was clear from these consultations that there is frustration with the lack of information from the UNHRC President about the agenda for the upcoming session, but also that the EU in particular is using that as an excuse to not lay any groundwork for country-specific actions. Our clear call for their leadership will need to be repeated often and at high levels in order to spur them to take unpopular and tough actions that will help change the course of the UNHRC.

¶14. (C) Comment continued: Several interlocutors also expressed concern about the Cuba, Egypt, Pakistan nexus. They believe that Cuba will try to attack the Cuba SR soon and that Egypt will continue to play a strongly negative role even though it is not on the Council.

This cable has been cleared by DRL/DAS Erica Barks-Ruggles

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